

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

United States of America

v.

Antonio Martin

Case No: 1:01CR00048-002

USM No: 06258-089

Date of Original Judgment: 02/01/2002

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

None

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of _____ months **is reduced to** _____.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: 01/17/2012

Effective Date: _____ *

(if different from order date)

Tanya Walton Pratt

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

A CERTIFIED TRUE COPY

Laura A. Briggs, Clerk
U.S. District Court
Southern District of Indiana

By *Jamara R. Genie*
Deputy Clerk

* Unless otherwise indicated, the effective date of this order shall be ten (10) days after order date.

This page contains information that should not be filed in court unless under seal.
(Not for Public Disclosure)

Antonio Martin

DEFENDANT: _____

CASE NUMBER: 1:01CR00048-002

DISTRICT: Southern District of Indiana

I. COURT DETERMINATION OF GUIDELINE RANGE *(Prior to Any Departures)*

Previous Total Offense Level: _____ Amended Total Offense Level: _____

Criminal History Category: _____ Criminal History Category: _____

Previous Guideline Range: _____ to _____ months Amended Guideline Range: _____ to _____ months

II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ The reduced sentence is above the amended guideline range.

III. ADDITIONAL COMMENTS

See Attached Addendum

Addendum to Order Pursuant to 18 U.S.C. § 3582(c)

Cause No. 1:01CR00048-002

Defendant Antonio Martin

As directed by 18 U.S.C. § 3582(c)(2), the Court has considered the relevant factors in U.S.S.G. § 1B1.10(b) and 18 U.S.C. § 3553(a), and determined a sentence reduction is not appropriate for the following reason(s):

- ☒ 1) The defendant is not eligible for a reduction because the amendments listed in subsection (c) of U.S.S.G. § 1B1.10 are not applicable to the defendant.
- ☐ 2) The amendment is listed in subsection (c) of U.S.S.G. § 1B1.10 and is applicable to the defendant, but it does not have the effect of lowering the defendant's applicable guideline range (e.g. a statutory mandatory minimum term of imprisonment, binding plea agreement, career offender status).
- ☐ 3) The defendant is eligible for a reduction under this amendment, but the Court has determined such a reduction is not appropriate because of the nature and seriousness of the danger to any person or the community that may be posed by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- ☐ 4) The defendant is eligible for a reduction under this amendment. However, the Court has determined the post-sentencing conduct demonstrates the defendant may pose a danger to any person or the community by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- ☒ 5) Other: The Retroactive Crack Cocaine Amendment applies to cocaine base offenses.

The offense involved heroin and not cocaine base.
